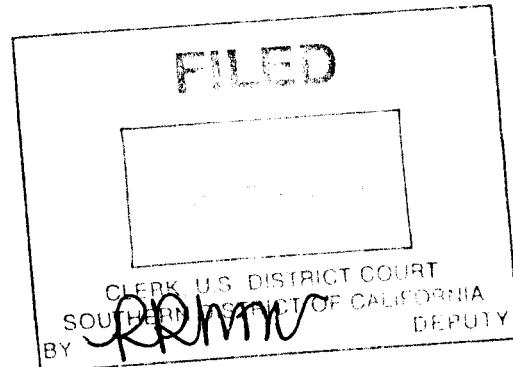


1 KAREN P. HEWITT
2 United States Attorney
3 W. MARK CONOVER
4 Assistant United States Attorney
5 California State Bar No. 236090
United States Attorney's Office
Federal Office Building
880 Front Street, Room 6293
San Diego, California 92101
Telephone: (619) 557-5200

6 Attorneys for Plaintiff
7 UNITED STATES OF AMERICA



17 **IT IS HEREBY STIPULATED AND AGREED** between the plaintiff, UNITED STATES
18 OF AMERICA, by and through its counsel, Karen P. Hewitt, United States Attorney, and W. Mark
19 Conover, Assistant United States Attorney, and defendant ROSA ELIZABETH DE LARA-
20 CONTRERAS, by and through and with the advice and consent of defense counsel, Bridget
21 Kennedy, Federal Defenders of San Diego, Inc., that:

22 1. Defendant agrees to execute this stipulation on or before the first preliminary hearing
23 date and to participate in a full and complete inquiry by the Court into whether defendant knowingly,
24 intelligently and voluntarily entered into it. Defendant agrees further to waive indictment and plead
25 guilty to the pre-indictment information charging defendant with a non-mandatory minimum count
26 of Bringing in Aliens Without Presentation and Aiding and Abetting, in violation of 8 U.S.C.
27 § 1324(a)(2)(B)(iii) and 18 U.S.C. § 2.

29 11

WMC;jam;4/22/08

M/W on
Bond

1 2. Defendant acknowledges receipt of a plea agreement in this case and agrees to
 2 provide the signed, original plea agreement to the Government not later than five business days
 3 before the disposition date set by the Court.

4 3. Defendant agrees to plead guilty to the charge pursuant to the plea agreement on or
 5 before **May 21, 2008**.

6 4. The material witness, Soledad Fischer, aka Soledad Gonzalez-Robles, in this case:

7 a. Is an alien with no lawful right to enter or remain in the United States;
 8 b. Entered or attempted to enter the United States illegally on or about
 9 April 18, 2008;

10 c. Was found in a vehicle driven by defendant at the San Ysidro, California Port
 11 of Entry (POE) and that defendant knew or acted in reckless disregard of the fact that he was an alien
 12 with no lawful right to enter or remain in the United States;

13 d. Was having others pay on his behalf \$3,000 to others to be brought into the
 14 United States illegally and/or transported illegally to his destination therein; and,

15 e. May be released and remanded immediately to the Department of Homeland
 16 Security for return to his country of origin.

17 5. After the material witnesses are ordered released by the Court pursuant to this
 18 stipulation and joint motion, if defendant does not plead guilty to the charge set forth above, for any
 19 reason, or thereafter withdraws his guilty plea to that charge, defendant agrees that in any proceeding,
 20 including, but not limited to, motion hearings, trial, sentencing, appeal or collateral attack, that:

21 a. The stipulated facts set forth in paragraph 4 above shall be admitted as
 22 substantive evidence;

23 b. The United States may elicit hearsay testimony from arresting agents
 24 regarding any statements made by the material witness(es) provided in discovery, and such testimony
 25 shall be admitted as substantive evidence under Fed. R. Evid. 804(b)(3) as statements against interest
 26 of (an) unavailable witness(es); and,

27 //

28 Stipulation of Fact and Joint Motion for Release of
 Material Witness(es) And Order Thereon in
 United States v. Rosa Elizabeth De Lara-Contreras

c. Understanding that under Crawford v. Washington, 124 S. Ct. 1354 (2004), “testimonial” hearsay statements are not admissible against a defendant unless defendant confronted and cross-examined the witness(es) who made the “testimonial” hearsay statements, defendant waives the right to confront and cross-examine the material witness(es) in this case.

6. By signing this stipulation and joint motion, defendant certifies that defendant has read it (or that it has been read to defendant in defendant's native language). Defendant certifies further that defendant has discussed the terms of this stipulation and joint motion with defense counsel and fully understands its meaning and effect.

Based on the foregoing, the parties jointly move the stipulation into evidence and for the immediate release and remand of the above-named material witness(es) to the Department of Homeland Security for return to his country of origin.

12 || It is STIPULATED AND AGREED this date.

Respectfully submitted,

KAREN P. HEWITT
United States Attorney

Dated: 5/1/08

W. MARK CONOVER
Assistant United States Attorney

Dated: 4/27/08

Bridget Kennedy
BRIDGET KENNEDY
Defense Counsel for Rosa Elizabeth De Lara-Contreras

Dated: 4/27/08


ROSA ELIZABETH DE LARA-CONTRERAS
Defendant

Stipulation of Fact and Joint Motion for Release of
Material Witness(es) And Order Thereon in
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ORDER

2 Upon joint application and motion of the parties, and for good cause shown,
3 **THE STIPULATION** is admitted into evidence, and,
4 **IT IS ORDERED** that the above-named material witness(es) be released and remanded
5 forthwith to the Department of Homeland Security for return to his country of origin.

SO ORDERED.

Dated: 7/1/08.

John D. Buller
United States Magistrate Judge